

31382

SERVICE DATE - NOVEMBER 7, 2000

**SURFACE TRANSPORTATION BOARD**

WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

AB-55 (SUB-NO.581X)

The CSX Transportation, Inc. - NOTICE OF EXEMPTION - In FAYETTE  
AND RALEIGH COUNTIES, WEST VIRGINIA.

**BACKGROUND**

In this proceeding, the CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of service of 4.8 miles of railroad line between railroad milepost CAX 0.0 near Mill Creek Junction and Milepost CAX 4.8 near Garden Ground in Fayette and Raleigh Counties, West Virginia. A map depicting the rail line in relationship to the area served is appended to the report. (See Attachment A.) If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

CSXT states in its application that no local or overhead traffic has moved along the rail line proposed for abandonment since 1998.<sup>1</sup> Consequently, abandonment of the CSXT rail line will have no effect on the regional or local transportation system.

CSXT further notes, that the right-of-way transverses within a rural rugged mountainous area, and runs parallel to Mill Creek, between Mill Creek Junction and Garden Ground, WV. In prior years, this CSXT rail line proposed for abandonment served a coal facility in Garden Ground, WV.

There are two (2) bridges, the Mill Creek Bridge and the Deck Plate Girder, present along the right-of-way, each more than 50 years old.

---

<sup>1</sup>In 1996, CSXT received authority from the Board to Discontinue service over this segment.

## **ENVIRONMENTAL REVIEW**

CSXT has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CSXT has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding.

The Board's Section of Environmental Analysis (SEA) has consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, National Geodetic Survey, U.S. Department of Agriculture, West Virginia Division of Environmental Protection, West Virginia Division of Culture and History (SHPO), Fayette County Planning Commission, Raleigh County Planning Commission and the Governors Office of Community and Industrial Development.

SEA received a letter dated October 4, 2000, from the West Virginia SHPO indicating that an evaluation of the proposed abandonment on cultural resources listed in or eligible for listing in the National Register of Historic Places has been completed. The West Virginia SHPO concludes, that abandonment and salvage of the rail line will have "no adverse effect" on cultural and historic resources located along the right-of-way. (See Attachment B.)

## **CONDITION**

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. The U. S. Fish and Wildlife Service (US FWS), has not completed their review of the proposed CSXT rail line abandonment. Therefore, SEA recommends that, that a condition be placed on any decision granting abandonment authority prohibiting CSXT from salvaging or disposing of the entire right-of-way until completion of the Section 7 process of the Endangered

Species Act, 16 U.S.C.1531.

2. The U.S. Army Corps of Engineers (the Corps) has not completed their review of the proposed abandonment. Therefore, SEA recommends, that CSX Transportation, Inc. further consult with the Corps prior to salvage of the right-of-way, to determine if the proposed project is consistent with applicable Federal, State and local water quality standards, and if permits are required under Section 404 of the Clean Water Act.

## **CONCLUSIONS**

Based on the information provided from all sources to date, and subject to the recommended condition(s), we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to

questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

### **COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Bernard L. Brown, who prepared this environmental assessment. **Please refer to Docket No. AB-55 (Sub No. 581X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Bernard L. Brown at (202) 565-1539.

Date made available to the public: November 3, 2000.  
**Comment due date: November 17, 2000.**

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

ATTACHMENT

MAP NEEDS TO BE SCANNED.

DOCUMENT NEEDS TO BE SCANNED.